

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

The Title is amended by the present response to be more clearly indicative of the claimed invention.

The specification is amended by the present response to correct minor grammatical and idiomatic informalities. The changes made to the specification are deemed to be self-evident from the original disclosure, and thus are not deemed to raise any issues of new matter.

Claims 1-30 are pending in this application. Claims 11-30 stand withdrawn from consideration as directed to a non-elected invention. Claim 10 was rejected under 35 U.S.C. § 112, second paragraph. Claims 1-5, 7, and 8 were rejected under 35 U.S.C. § 102(a) as anticipated by the admitted art of Figure 1B. Claims 6 and 9 were objected to as dependent upon a rejected base claim, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claims and any intervening claims.

Initially, applicants gratefully acknowledge the early indication of the allowable subject matter in claims 6 and 9.

Addressing now the rejection of claim 10 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response.

Claim 10 is amended by the present response to now refer to "the insulating film", to be consistent with claim 1 from which claim 10 depends. The claim amendment thereto is also believed to be fully supported by the original specification for example at page 7, lines 10-11. The amendment to claim 10 is believed to address the rejection thereto under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of claims 1-5, 7, and 8 under 35 U.S.C. § 102(a) as anticipated by the admitted art of Figure 1B, that rejection is traversed by the present response.

Applicants initially note independent claim 1 is amended by the present response to clarify features recited therein. Specifically, claim 1 now more clearly recites “the conductive layer having a surface thereof higher than a highest surface of the first interlayer insulating film surrounding and adjoining the trench”. According to such features clarified in the claims, and with reference to Figure 2A in the present specification as a non-limiting example, a conductive layer 50 has a surface thereof higher than a highest surface of a first interlayer insulating film 30 surrounding and adjoining the trench, see for example the trench filled by barrier metal 40 in Figure 2A. Such features are believed to clearly distinguish over the applied art.

The outstanding rejection refers to element 250 in Figure 1B as corresponding to the claimed “conductive layer”. However, applicants respectfully submit it is clear that in Figure 1B conductive layer 250 is not higher than a highest point of the first interlayer insulating layer 230 surrounding and adjoining the trench.

In such ways, applicants respectfully submit that amended independent claim 1, and the claims dependent therefrom, distinguish over the admitted art of Figure 1B.

Applicants also note that claim 3 further recites “the insulating film is made of a coating type material”, which further distinguishes over the admitted art of Figure 1B. That is, in the admitted art of Figure 1B the insulating film 260 is made of SiN or SiC by a CVD method, and is thereby not a coating type material, see for example the present specification at page 2, lines 24-25.

In view of the foregoing comments applicants respectfully submit that independent claim 1, and each of the claims dependent therefrom, patentably distinguish over the applied art of the admitted art of Figure 1B.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
GJM:SNS:asa

Surinder Sachar
Registration No. 34,423

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